

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Mar 04, 2025

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTONMONTGOMERY L. S.,<sup>1</sup>

Plaintiff,

v.

LELAND DUDEK, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY,<sup>2</sup>

Defendant.

NO. 2:24-cv-00390-RLP

ORDER ON STIPULATED MOTION  
FOR REMAND

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<sup>1</sup> The court identifies a plaintiff in a social security case by only the first name and last initial in order to protect privacy. *See* LCivR 5.2(c).

<sup>2</sup> On February 18, 2025, Leland Dudek became the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Rules of Civil Procedure, Leland Dudek is substituted for Michelle King as the Defendant in this suit.

On March 4, 2025, the parties filed a Stipulated Motion for Remand, ECF No. 13, for a new hearing and decision by an administrative law judge. This motion was submitted for consideration without oral argument. The Court finds that good cause exists to grant the stipulated motion.

**ACCORDINGLY, IT IS HEREBY ORDERED:**

1. The Stipulated Motion for Remand, ECF No. 13, is **GRANTED**. This case is **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings. Upon remand, the administrative law judge is instructed to re-evaluate the record, hold a new hearing as necessary, and take any other action necessary to issue a new decision.
2. Upon proper presentation, this Court will consider Mr. S's application for costs, expenses, and reasonable attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(a), (d).
3. All pending motions, hearings and the remaining briefing schedule are **VACATED** as moot.
4. The Clerk of Court is directed to enter **JUDGMENT** in favor of Plaintiff and against Defendant.

**IT IS SO ORDERED.**

1 The District Court Executive is hereby directed to file this Order, provide  
2 copies to counsel and close the file.

3 DATED March 4, 2025.

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5 REBECCA L. PENNELL  
6 United States District Judge  
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